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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

JUL 11 1991

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of:)
)
Implementation of Sections 3(n))
and 332 of the Communications Act) Gen. Docket No. 93-252
)
Regulatory Treatment of Mobile)
Services)
)
To: The Commission)

REPLY COMMENTS OF RADIOFONE, INC.

Radiofone, Inc. (Radiofone), by its attorney, hereby submits its reply comments in the above-captioned proceeding. As discussed below, Radiofone agrees with much of the streamlining proposed in this docket and supported by the Personal Communications Industry Association (PCIA) and other members of the industry.

Moreover, Radiofone strongly agrees with numerous commentators that there should be no "spectrum cap" on Commercial Mobile Radio Service (CMRS) providers. A spectrum cap would only frustrate efforts by Radiofone and other experienced pioneers in the telecommunications industry to develop emerging technologies. Experienced carriers can speed the introduction of these new services to the public, to the benefit of all. Radiofone agrees with commentators such as PageMart (at p. 7), and PageNet (at p. 45), that the number of players in the industry is already so great that hoarding of CMRS spectrum is impossible.

Radiofone also agrees with commentators who support a

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streamlining of the technical rules for both radio common carriers and private carriers. Thus, Radiofone favors equal antenna height and power limits for 900 MHz paging operations, regardless of whether they are licensed under Part 22 or Part 90. In general, the effective radiated power limit should be 3500 watts. The Commission should likewise eliminate emission restrictions where frequencies are licensed on an exclusive-use basis. Radiofone also favors a streamlining of the station identification requirements, to allow identification on a less frequent basis, using digital techniques if desired. In addition, Radiofone supports rule changes that would create a common application form for all CMRS providers, and would reduce application fees, regulatory fees, and monetary forfeitures so that Part 22 licensees are treated on a par with Part 90 licensees. The monetary forfeitures adopted in 1991 have been challenged in court as excessive, and a lowering of these fines to the Part 90 levels would go a long way towards industry acceptance of the fines, thereby reducing the drain on Commission resources due to numerous petitions for reconsideration.


Finally, Radiofone agrees that a conditional temporary authorization mechanism should be applied to CMRS. See Comments of CTIA at pp. 5-6, NABER at p. 45. The conditional temporary authorization mechanism has worked extremely well in bringing valuable Part 90 services to the public in an expeditious manner, without harmful consequences. While Part 22 applicants have not been required to utilize a frequency coordinator, they are obliged

to perform an interference study pursuant to well-defined criteria that leave relatively little room for argument. The Commission should allow all CMRS licensees to commence operation upon a certification that they have conducted any necessary interference studies in a manner prescribed by the Commission's rules; will discontinue operation promptly if any interference results that cannot be immediately remedied; and have verified that their application is not subject to a petition to deny or mutually exclusive application, after passage of a sufficient period of time.

Respectfully submitted,

RADIOPHONE, INC.

By:


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Filed: July 11, 1994

CERTIFICATE OF SERVICE

I, John A. Prendergast, hereby certify that I am an attorney with the firm Blooston, Mordkofsky, Jackson & Dickens, and that on this 11th day of July, 1994, I caused to be delivered by first class United States mail, postage prepaid, the foregoing **"REPLY COMMENTS OF RADIOFONE, INC."** to the following:

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Commissioner Andrew C. Barrett
Federal Communications Commission
1919 M Street, NW Room 826
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Commissioner Susan Ness
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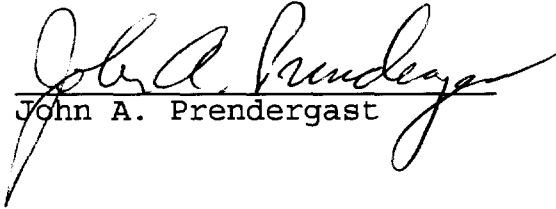
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